



**King County**

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**CHARTER REVIEW COMMISSION**

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**Regional Governance (RG) Subcommittee**  
**King County Charter Review Commission**  
**Meeting Minutes – January 28, 2008**  
Chinook Building, 5:30 pm-7:30pm

The January 28, 2008 meeting of the Regional Governance Subcommittee of the King County Charter Review Commission was called to order by Chair Bryan Glynn at 5:30 p.m.

**Commission members in attendance:**

Bryan Glynn, Co-Chair  
Doreen Cato, Co-Chair  
Kirstin Haugen  
John Jensen  
Lois North  
Mike Wilkins

**Absent:**

Juan Bocanegra  
Gary Long  
Sharon Maeda  
James Williams

**Staff:**

Becky Spithill, Project Manager, Charter Review Commission  
Mark Yango, Charter Review Coordinator

**Council and PAO Staff:**

Ross Baker, Council Chief of Staff  
Rebecha Cusack, Council Liaison to the Commission  
Mike Sinsky, Senior Deputy Prosecuting Attorney, Prosecuting Attorney's Office  
Slonecker, Susan, Supervising Attorney (Employment), Prosecuting Attorney's Office  
Nick Wagner, Council Co-Liaison to the Commission

Meeting was called to order by co-chair Bryan Glynn at 5:35 pm

## **1. Opening remarks**

Mr. Glynn stated that a quorum was present. For the record, Mr. Glynn reminded everyone that the meeting was being taped.

Mr. Glynn stated that he hoped the subcommittee would cover the following during the meeting: Act on approving the draft KCLS letters so that that recommendation could be moved to the full commission the next evening; defer the budget timeline; and spend most of the meeting on the Sheriff's issues. In addition, he referenced the Working Group that was scheduled to meet on January 31 to try to come to consensus on Regional Committees.

Mike Wilkins added that two meetings of the committee are scheduled and it is unclear how much will be accomplished, but there is potential. Mr. Glynn asked if other members of the subcommittee will attend those meetings. John Jensen said he might attend as an observer.

Ms. Spithill informed the chair that there were no minutes for the subcommittee to approve. Mr. Glynn said that subcommittee members had a lot of materials to go over and asked Ms. Spithill to provide an overview of those materials and a summary of the proceedings of the Committee of the Whole that took place that morning. That meeting was devoted to the Blue Ribbon Panel report on implementation of the panel's recommendations in September of 2006.

## **2. Report by Ms. Spithill – Sheriff**

Ms. Spithill directed the subcommittee to the materials that had been distributed, and in particular to the Blue Ribbon Panel report, which was submitted to Council that day. She alerted members to the three KCLS letters and the KCLS issue paper that was prepared in the event that the subcommittee decided to transmit a recommendation to the full commission at the next evening's meeting. She commented that the materials packet included information on the budget issue, although discussion of the issue was being deferred.

Ms. Spithill reported on the proceedings of that day's meeting of the Council of the Whole, during which Randy Revelle, Chair of the Blue Ribbon Panel, spoke along with another member of the panel, Faith Ireland, former Superior Court judge. Cliff Curry, Council staff, provided an overview of the Blue Ribbon Panel's process. Dan Satterberg, PAO, spoke, as did Virginia Kirk, Sheriff Rahr's representative, as well as Sheriff Rahr, herself.

The BRP supported the Sheriff's argument that as an elected official, she should have the power to bargain labor contracts. Ms. Spithill noted that in the COW meeting that day, both Mr. Revelle and Ms. Kirk referenced a survey by the Sheriff that found that 28 of the 39 counties' sheriff's bargain working conditions of their labor contracts. Mr. Satterberg spoke about bifurcated bargaining in the PAO's office, and indicated that it worked very well, although he stated that he recognized that the Sheriff's Office issues were more complex. Ms. Spithill stated that she listened to Mr. Satterburg's statement to determine if there was an endorsement of the Sheriff's position on collective bargain, and she did not hear such an endorsement, but spoke

glowingly of the BRP process and report. Ms. Spithill noted an argument presented both by Mr. Revelle and Sheriff Rahr that for the past 10 years, the Sheriff's Office contract has not been negotiated but rolled over each time.

Mr. Wilkins interjected with a question for Ms. Slonecker about whether it is true that the contract has been rolled over each time for the past 10 years. She stated that perhaps much of it had been rolled over in previous years. Ms. Slonecker added that a contract cannot be approved without negotiation, so that contention seems incongruous. Ms. Slonecker introduced herself and Mr. Glynn informed the subcommittee members that Ms. Slonecker was invited to attend the meeting of the subcommittee.

Ms. Spithill read an email from Kathi Oglesby (January 28) responding to the Sheriff's claim that contracts had not been bargained. She stated that the county negotiates some items each time the contract has expired, but that no major overhaul had occurred in several years. Ms. Oglesby said that with a very mature contract, this is not unusual. She said that over the past 11 years all the issues raised in negotiations have been raised by the sheriff; the county has never refused to bargain an issue the sheriff wanted bargained. She concluded by saying that bringing issues to the bargaining table does not guarantee their success in bargaining.

Ms. Spithill noted the discrepancy regarding the information provided by Sheriff Rahr and the information provided by HRD. While the Sheriff contended that at least 28 counties provide their Sheriff's with the power to bargain working conditions, HRD argued that it was mixed and that some sheriff's might consider their effective power to bargain as a legal right, even though it is not. Ms. Spithill provided the subcommittee with two research documents provided by HRD: "Washington State County Charters and Codes (and Seattle) as to Collective Bargaining Authority," and "Additional Information Regarding Bargaining Authority / Non-Charter Counties, Cities and West Coast as of January 28, 2008." [Note: the latter document was not included among the materials packet because it was not available until just prior to the meeting.] HRD's position is that in practice the Sheriff bargains a lot of her issues, although there is not bifurcated bargaining, per se. Ms. Spithill agreed with John Jensen that the discrepancy between the information provided by HRD and the Sheriff was significant. Ms. Spithill stated that it was unclear how the process of bargaining worked in those counties where sheriff's bargained their working conditions, as identified by Sheriff Rahr. Ms. Spithill indicated that she would follow up on the counties that HRD identified. Mr. Wilkins asked whether it was true that there are no counties that delegate to an elected Sheriff the powers to bargain their contracts. Ms. Spithill said that that was her understanding, and Mr. Wilkins indicated that that was consistent with his knowledge. Ms. Slonecker stated that she did not know the answer.

Mrs. North said that in looking at the 39 counties, it makes sense only to look at the practice in charter counties, and only six of the 39 are charter counties. The comparison of King County to these counties is like comparing apples and oranges. Ms. Spithill pointed out that there was reluctance on the part of Mr. Revelle and others to use the term "bifurcated bargaining." Ms. Spithill agreed to follow up to verify information.

Mr. Glynn asked for a summary of the Sheriff's response to the subcommittee's request for more information. Mrs. North commented that the Sheriff was asking for all of bargaining or part of

it, but she wants some part in the process spelled out. Ms. Spithill stated that the rationale for the Civil Service Commission reinstatement was still unclear.

Mr. Glynn stated that even with bifurcated bargaining, there will have to be collaboration. Is the balance somehow out of whack? Mr. Jensen said that Sheriff Rahr wanted to control negotiations in order to ensure adequate discipline

Mrs. North asked about the Sheriff's statement that she is unable to discipline and evaluate her employees. Referencing the 2006 PI articles, she asked about the Sheriff's contention that she lacks of tools to run her department effectively.

## **2. Legal opinion, Susan Slonecker and Mike Sinsky, PAO – Sheriff**

Mrs. North referenced the Sheriff's letter that argues that the personnel system does not meet the statutory requirement, although there is a law that allows larger counties to use personnel systems. She cited a state law that is in conflict with that.

Mr. Sinsky stated that county employees have a number of avenues by which to appeal disciplinary action. The structure for an appeal to a civil service commission is in place (referenced in King County code), in addition to the personnel board and arbitration process.

Ms. Slonecker: No civil service employee has pursued a civil service appeal in about 10 years. Currently, there are no sitting members of the commission.

The county has delegated the day-to-day hiring to HRD, and does not utilize a civil service commission for this purpose.

Mrs. North: Is there anything that would prevent us from making a recommendation to the Council that would spell out the appeal process with time lines. I sense the Sheriff's frustration. What can the Commission do to get the Council to take action? This is not a charter matter.

Ms Slonecker: Sheriff's Office employees have rights as civil service employees which overlay their rights as King County career service employees. The differences between a regular employee and a civil service employee are important. That said, most employees utilize the arbitration remedy specified in their collective bargaining agreement. .

Mr. Glynn asked whether the Civil Service Commission should be done away with. Ms. Slonecker said the civil service commission's appeal function is mandated by statute and cannot be done away with. The Sheriff takes issue with the day-to-day function that HRD assumes. This could be changed by ordinance.

Mrs. North asked for the authority for collective bargaining. Ms. Slonecker said that it is overseen by PERC, which governs fair labor practices for public employers. Mr. Jensen stated that he doesn't understand who makes the discipline decisions for the Sheriff. How do we shorten the time frames for completing disciplinary review?

Ms. Slonecker said that one would get a difference of opinion from the Executive and the Sheriff on who is making the decision. Mr. Jensen questioned the length of time it takes to discipline people.

Mr. Baker mentioned the recommendation by the BRP for the office of law enforcement oversight, the implementation of which is effectively prevented because of collective bargaining. Mr. Glynn suggested that this would be a good time to talk about this and the letter from Chris Vick on behalf of the union. Is there any truth to the statement that the county cannot have more than two bargaining agents?

Ms. Slonecker indicated that she did not agree with Mr. Vick's viewpoint regarding the County's ability to utilize more than one agent in the bargaining process. Several commissioners expressed confusion about the claim in the letter. There is a state law specific to the courts that allows for bifurcated bargaining. Mr. Glynn asked if it was contrary to state law to allow more than one party to bargain. Ms. Slonecker stated that more than one person can bargain on behalf of the county. Mr. Glynn told the subcommittee that Chris Vick would be speaking at the next subcommittee meeting.

Ms. Slonecker expressed the opinion that delays in discipline were more common prior to Sheriff Rahr's tenure.

Ms. North asked why the Sheriff is asking for reinstatement of the Civil Service Commission. Mr. Wilkins said that the Sheriff wants to hire her own staff and have a larger staff. Ms. Slonecker said that the civil service hiring function is currently performed by HRD. She noted that the Sheriff wants to move those duties out of HRD so that she has direct oversight.

Ms. Spithill communicated that the council was in full support of the Office of Law Enforcement oversight. Ms. North suggested that the CRC walk away from this and defer to the BRP—the Council can act on that. Mr. Wilkins asked if Chris Vick would object to having a detailed section in the charter recommending that the Sheriff have a place at the bargaining table.

Mr. Jensen said that the Sheriff is elected and, therefore, the CRC needs to address the issues of Sheriff's authority. Delay in discipline is the most important thing. Ms. Cato said that a manager must have the tools to manage her people. Can the CRC give her the tools to manage? Mr. Wilkins said that the Council should pass an ordinance that makes explicit the role of the Sheriff in bargaining. Ms. North said that the charter should not address these issues. Mr. Jensen said that there has been acknowledgement of a problem from all sides. There is a genuine problem here, and the CRC should address it even if all it comes down to the discipline issues.

Mr. Glynn said that CRC could draft a suggested ordinance about Sheriff's role in collective bargaining. Mr. Wilkins said that he doesn't support the Sheriff having final authority in bargaining, but that a prominent role is in order. Ms. Cato asked if there was confusion on authority—if the CRC cannot make a contribution to resolving the ambiguity, then it should do nothing.

Ms. Slonecker advised the subcommittee that having the Council adopt an ordinance that spells out the various duties of the Sheriff and the Executive in bargaining will not insulate the County from legal challenge.

Ms. Cusack recommended that in drafting an ordinance to consult with Council staff. She said that when the Council passed the ordinance establishing the Office of Law Enforcement, the Executive signed it and then, without consulting the Council, agreed with the union to put the office on hold. We don't want people thinking that this will not present complications as well. Mr. Wilkins recommended that we look to the charter to include some of these changes.

Bryan Glynn asked the subcommittee if members thought that bargaining authority should go back to the Sheriff. Subcommittee members took that issue off the table for now. Ms. Cato expressed concern that the work of the BRP might not be visible publicly. Mr. Baker said it would continue to be discussed over time and reported on a semi-annual basis. Ms. Cato said that she hoped the CRC would find a way to reach the public and make these issues understandable.

### **3. Post-break discussion – outreach**

Mr. Glynn suggested that the next full CRC meeting take up the issue of how to publicize the CRC recommendations. Staff will speak with Carolyn Duncan after the full CRC meets.

### **4. Library Letters**

Mr. Glynn opened discussion about the KCLS letters in order for the group to decide whether to take them to the full commission the next evening. Ms. Spithill pointed out that the three letters are essentially the same. There was general agreement that the letters were appropriate.

Mr. Glynn asked if there was consensus on the letters. Everyone agreed that the letters should be moved on to the full commission.

### **Closing Remarks**

Mr. Glynn identified the following issues that will be before the subcommittee next week: Regional Committees, and Mr. Vick's position on collective bargaining. Ms. Spithill pointed out some of the other issues that the Sheriff had on the table that the subcommittee hadn't chosen to take up with any detail. Mr. Sinsky stated that the peace officer designation would require more work to make sure that identifying the Sheriff's Office as chief peace officer would not have unintended consequences. Mr. Wilkins argued for getting down on paper those issues in which the Sheriff has a direct interest in. Mr. Glynn recommended that staff look at the contract to identify those issues that are of greatest importance to the Sheriff.

Mr. Wilkins suggested that a list be compiled of those issues. Ms. Cato pointed out that the subcommittee's focus was on addressing the substantive issues and not on the personalities of those individuals currently in office.

Meeting adjourned at 7:15.

Respectfully submitted by Becky Spithill.